

REPORT - PLANNING COMMISSION MEETING
January 22, 2004
February 12, 2004

Project Name and Number: Lincoln St. Housing (PLN2004-00124)

Applicant: Lincoln St. Housing, Inc.

Proposal: To consider a Rezoning from R-G-29 to R-3-18 for consistency with the City's certified Housing Element for development of a multi-family housing project.

Recommended Action: Recommend to City Council

Location: 40852 Lincoln Street

Assessor Parcel Number(s): 525-0661-020-05 and 525-0661-020-07

Area: 0.46 Acres

Owner: Lincoln Street Housing, Inc.

Agent of Applicant: Nesreen Kavar, Housing Consortium of the East Bay

Consultant(s): Erik Mikiten, Mikiten Architecture (Architect)
TerraSearch Inc., (Environmental Engineer)
Carrie L. Foulk, Kleinfelder (Soils Engineer)

Environmental Review: A Mitigated Negative Declaration has been prepared.

Existing General Plan: Medium Density Residential, 15-18 Dwelling Units per Acre

Existing Zoning: R-G-29

Existing Land Use: Single-family residence

Public Hearing Notice: Public hearing notification is applicable. A total of 150 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Lincoln Street, Lincoln Court and Chapel Way. The notices to owners and occupants were mailed on January 30, 2004. A Public Hearing Notice was delivered to The Argus on January 26, 2004 to be published by January 29, 2004.

Executive Summary: The project consists of a rezoning to change the zoning designation of a 0.46-acre site from R-G-29 (Garden Apartment Residence District) to R-3-18 (Multi-family Residence District). This rezoning is consistent with the City's General Plan Housing Element policies for development of multi-family housing. It is anticipated that the site will be developed with eleven units of special needs housing for the developmentally disabled. The rezoning to R-3-18 will facilitate the development of a multi-family project on the site at or above the midpoint of the density range.

On January 22, 2004, the Planning Commission opened and continued the public hearing to the next regularly scheduled meeting due to a noticing error. The notice was corrected and sent out to all property owners and occupants.

Background and Previous Actions: In June of 2003, City Council adopted a new multi-family zoning district, the R-3 Multi-family Zoning District, to assist the City in meeting its regional housing needs as described in the City's General Plan Housing Element. Consistent with the goals and policies of the Housing Element, the intent of the new R-3 District is to facilitate and encourage the development of higher density residential projects, while also providing incentives for affordable housing developments. The standards adopted for the R-3 district are suitable for the City's remaining infill

sites and provide developers with clear standards that also allow for flexibility. To facilitate high quality development, under the R-3 District all projects are required to receive Site Plan and Architectural Approval (SPAA) by either the Development Organization (staff level for projects consisting of 10 units or less) or the Planning Commission (for all projects of 11 units or more).

Project Description: The project consists of a rezoning to change the zoning designation of a 0.46-acre site from R-G-29 (Residential Garden Apartments) to R-3-18 (R-3 Multi-family District). The proposed rezoning to R-3-18 is consistent with the site's corresponding General Plan designation of 15-18 units per acre. As regulated by the General Plan (as further discussed below), the permitted density under the R-3-18 zoning would be 16.5-18 dwelling units per acre. The R-3-18 zoning designation, therefore, is appropriate and compatible with the existing General Plan designation for the site. The General Plan requires development at the midpoint of the density range. The calculated density requirement for the 0.46-acre project site is thus a minimum development of eight (8) dwelling units on site.

Site Planning: The 0.46-acre infill site is located in a residential neighborhood in the Irvington Redevelopment Project Area. Properties located in this residential neighborhood off of Lincoln Street, as well as neighboring streets, are currently zoned R-G-29, and have General Plan designations of Medium Density Residential, 15-18 dwelling units per acre. Legal nonconforming single-family residences and legal conforming single-family residences¹ border the site on the north, east and west side; a two-story multi-family development is located on the south side. The site contains a barn structure that has been altered and is currently being used as a single-family residence. Ash and pepper trees are located on the south and east portions of the site. The frontage along Lincoln Street is unimproved; new gutter, curb, and sidewalks would be built at such time as development occurs on the site.

Project Analysis:

- **General Plan Conformance:** The existing General Plan land use designation for the project site is Medium Density Residential, 15-18 dwelling units per acre. The proposed project is consistent with the existing General Plan land use designation for the project site because the project as proposed implements General Plan Housing Element Programs and Land Use Element Policies listed below.

Land Use Element Policies

Policy LU 1.9:

To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to a collector or arterial street, and as a transition use where maximum flexibility in site design is required. For those areas where higher densities are indicated in the General Plan Diagram, construction of housing at significantly lower densities than planned would not meet the City's goals. The City therefore establishes a minimum required density of development for all medium and high density residential uses, as follows:

When the residential range is between 6.5 and 70 units per acre, and development application has not been deemed complete for processing under the provisions of the Permit Streamlining Act by July 1, 2003, the minimum density of the project must be at the midpoint of the [General Plan designated] density range.

Analysis: The proposed rezoning to R-3-18 is consistent with the site's existing General Plan designation of 15-18 dwelling units per acre and implements the policy mentioned above. Any multi-family development on this site would be required to adhere to the General Plan's goals and policies, including the requirement that the project must satisfy

¹ Based on Section 8-2801(a) of the Fremont Municipal Code, single-family and two-family dwellings (or duplexes) located on a legal lot with a maximum lot area of 7,500 square feet existing as of May 7, 1991 are permitted uses in the R-G zoning district. Thus, those dwellings would be considered legally conforming.

the “midpoint of the density range.” In addition, the size and configuration of the site affords the opportunity for development at a density consistent with the policies of the Housing Element, as well as the minimum lot and siting requirements established for the R-3 District.

Policy LU 1.11

Appropriate transitions shall be encouraged between higher density residential areas and lower density areas...transitions can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques.

Implementation 1: Specific plans and other type design or development plans shall include guidelines for appropriate transitions between uses. Where such plans or specific guidelines do not exist, the City's project review process for multi-family projects shall review projects for the provision of appropriate transitions, where necessary.

Implementation 2: Site design in residential projects shall be used to separate habitable areas of the project from noise or light sources.

Analysis: The R-3 District establishes appropriate architectural and site standards and guidelines to create desirable multi-family residential areas, as well as allows for flexibility through the Site Plan and Architectural Approval (SPAA) process. It provides that any multi-family residential development that abuts parcels containing single-family residences with General Plan designations of Low Density Residential, that is, less than 10 dwelling units per acre, must take into consideration appropriate setback distances or other effective means (e.g., window placement, landscaping, appropriate siting of open space areas) to ensure the reasonable physical relationship between residences, while promoting options for privacy for neighboring properties. This provision does not apply to the project site because the surrounding area, and area largely to the east and north, is designated with a density of greater than 10 dwelling units per acre. Nonetheless, through SPAA, any multi-family residential development on the site will be evaluated to minimize adverse impacts on adjoining single-family residences, whether they are legal nonconforming or not. As indicated in the Housing Element, SPAA review by the Planning Commission is an essential element that “does not unduly burden development approval.”

Policy LU 1.21

All rental housing of four or more units...shall incorporate features to make the housing adaptable to the needs of the physically disabled.

Analysis: Although it is anticipated that a multi-family development on this site will accommodate special needs housing for developmentally disabled individuals, under the R-3 District provisions, any development on this site would be required to adhere to the policy indicated above. Such a project would incorporate features to make housing adaptable for individuals with disabilities.

Policy LU 1.22:

Multi-family housing units shall be developed with consideration given to the relationship to adjacent development. Particular attention should be given to the style of roofs, with flat roofs discouraged except where they are usable outdoor space.


LU 1.25:

Where several multi-family projects are on adjacent parcels of land, a variety of architectural and site design treatments shall be encouraged. However, an architectural or landscape design theme for several parcels may be appropriate.

Analysis: The proposed rezoning to the R-3 District will require that any proposed development on the site must receive site plan and architectural approval (SPAA). Through SPAA review, the project would be evaluated for compatibility with adjacent uses (e.g., single-family residence to the north, east and west), consistent with the policy above.

Housing Element Policies

- Goal 3: *Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city...*
- Policy #B: *Continue to designate sufficient residentially-zoned land at appropriate densities to provide adequate sites to meet Fremont's new construction need for 2001-2006. Included in that need are the following objectives:*
- | | |
|--|--------------------|
| Units Affordable to Very Low Income | 873 Units |
| Units Affordable to Low Income | 602 Units |
| Units Affordable to Moderate Income | 1,774 Units |
| Units Affordable to Above Moderate Income | 1,663 Units |
| Total Need: | 4,912 Units |
- Program 18: *The City will evaluate vacant and underutilized residentially designated parcels to identify sites, which could have an increased density and then undertake city-initiated General Plan changes and rezoning to higher densities.*

Analysis: To meet the City's regional housing share, the rezoning of an underutilized site currently containing a legal nonconforming single-family residence would provide the opportunity for a multi-family development at a density anticipated by the Housing Element. The R-3-18 zoning designation is consistent with the site's existing General Plan designation of 15-18 dwelling units per acre. Any development on this site must be developed at a density between 16.5-18 dwelling units per acre, i.e., no less than the midpoint density as designated by the General Plan. In addition, an applicant may request a density bonus and other incentives if the project provides for affordable housing. For instance, the applicant anticipates proposing all of the units on the site as affordable units and thus may request a density bonus and other incentives. 

Redevelopment Plan Conformance: The project site is located in the Irvington Redevelopment Project Area. The proposed project is consistent with the Redevelopment Plan because the rezoning will allow for the anticipated development of eleven new affordable housing units. This meets the Agency's overall goals to produce, enhance and preserve affordable housing.

- **Zoning Regulations:** The proposed project consists of a rezoning to the new R-3 Multi-family residential zoning district where any development on this site would be required to comply with standards and guidelines adopted for the district, as well as all applicable building and zoning regulations. The following table represents lot and siting requirements which can be modified through the SPPA process:

R-3-18 Zoning Lot & Siting Standards for Project Site at 40852 Lincoln Street	
Maximum Building Height	52 feet
Minimum Lot Size	6,000 square feet
Minimum Lot Width	60 feet
Street Frontage	35 feet
Front and Street Side Setback	20 feet
Interior Side and Rear Setbacks	10 feet
Lot Coverage	50 percent
Minimum Common Open Space Area	500 square feet for up to 5 units, plus 50 square feet for each additional unit; one dimension at least 15 feet

The size and configuration of the site offers the opportunity for development of a multi-family project consistent with the standards and guidelines of the R-3 District. Through SPPA, a multi-family project can be designed to fit with the character and scale of the existing neighborhood and its surroundings.

Environmental Analysis: An Initial Study and Draft Mitigated Negative Declaration have been prepared and circulated for this project. The environmental analysis identified concerns regarding potential impacts to Air Quality, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality and Noise. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included in a Mitigation Monitoring Program (MMP) that is recommended to be adopted and will apply to any project on the site. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration and MMP have been prepared for consideration by the Planning Commission.

The Initial Study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to draft Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

Response from Agencies and Organizations: The Valley Transit Authority (VTA) and Union Sanitary District (USD) have both commented, indicating that they do not have concerns relating to the proposed project.

In March 2003, the applicant held a community meeting to inform neighboring residents of its intention to develop affordable housing on the site. All owners of properties and neighbors within 500 feet of the site were invited to the meeting. The applicant also conducted door-to-door visits with the occupants of single-family homes within 500 feet of the site and provided information about the project sponsor and their intent to build affordable, independent living apartments for developmentally disabled persons. Even with the extensive outreach effort, no residents attended the first community meeting. All responses from the door-to-door visits were positive. In addition to the initial community meeting, the applicant has met with the local business association to provide updates on the development of the project and will schedule future meetings to provide neighboring property owners and other interested parties an opportunity to provide feedback during the site planning and design process. The first of these meetings was held on January 15, 2004. Three property owners attended the meeting. Their main questions revolved around the occupancy of the development, how will residents be selected and whether the occupancy will be restricted to persons with developmental disabilities. The applicant described how the residents would be selected by a committee consisting of directors of non-profits who provide services to the developmentally disabled. The applicant indicated that the federal requirements under HUD's section 811 program (the primary funding for the project) require the developer to enter into a regulatory agreement that limits occupancy of the units to persons with developmental disabilities.

At such time as the anticipated 11-unit development on the site moves forward for Site Plan and Architectural Approval, a public hearing will be scheduled before the Planning Commission and neighboring residents will receive notice of that hearing.

Enclosures: Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan
Informational 1 (Conceptual Site Plan)

Exhibit: Exhibit "A" (Rezoning Map)

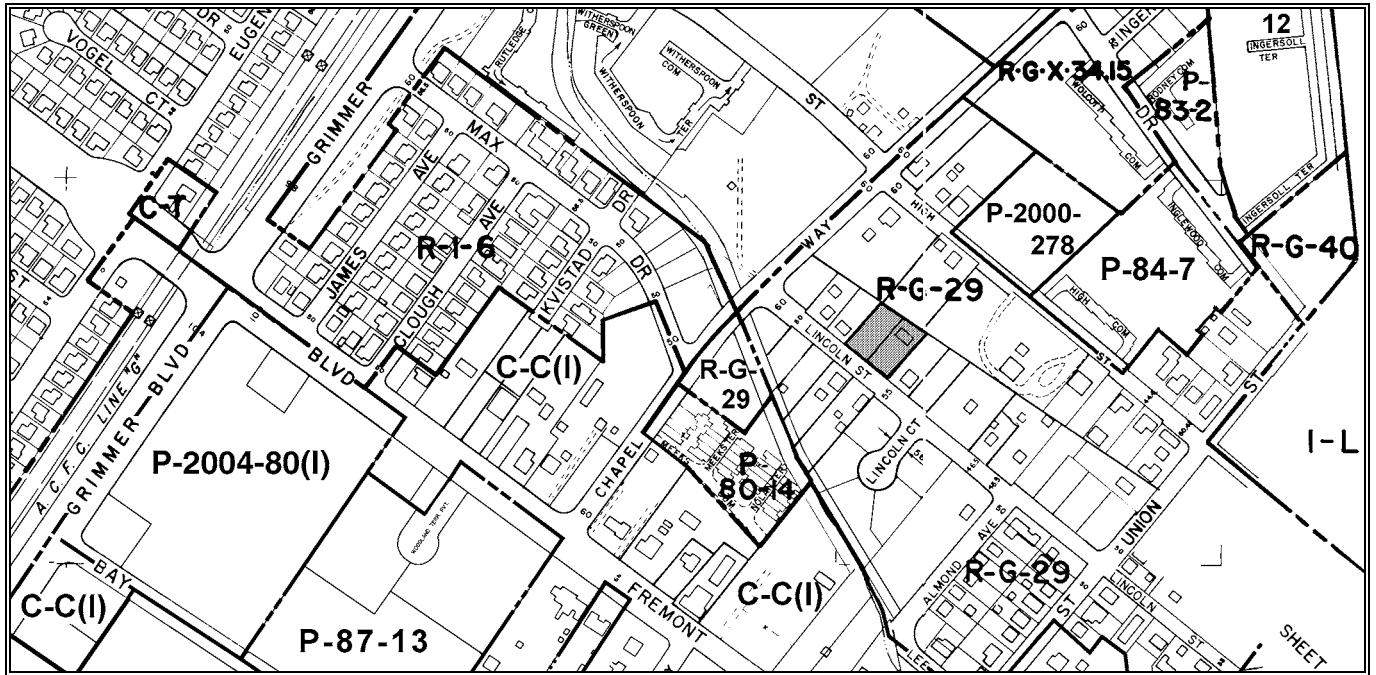
Recommended Actions:

1. Hold public hearing.

2. Recommend to the City Council that the initial study conducted for PLN2004-00124 has evaluated the potential impacts for this project that could cause an adverse effect -- either individually or cumulatively -- on wildlife resources and find that there is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend to the City Council the adoption of draft Mitigated Negative Declaration PLN2004-00124, finding that it reflects the independent judgment of the City of Fremont, and finding there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment.
4. Recommend to the City Council approval of the Mitigation Monitoring Plan for PLN2004-00124.
5. Find PLN2004-00124 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Element Chapters as enumerated within the staff report.
6. Recommend PLN2004-00124 to the City Council in conformance with Exhibit "A" (Rezoning Exhibit)

Shaded Area represents the Project Site

Existing Zoning



Existing General Plan

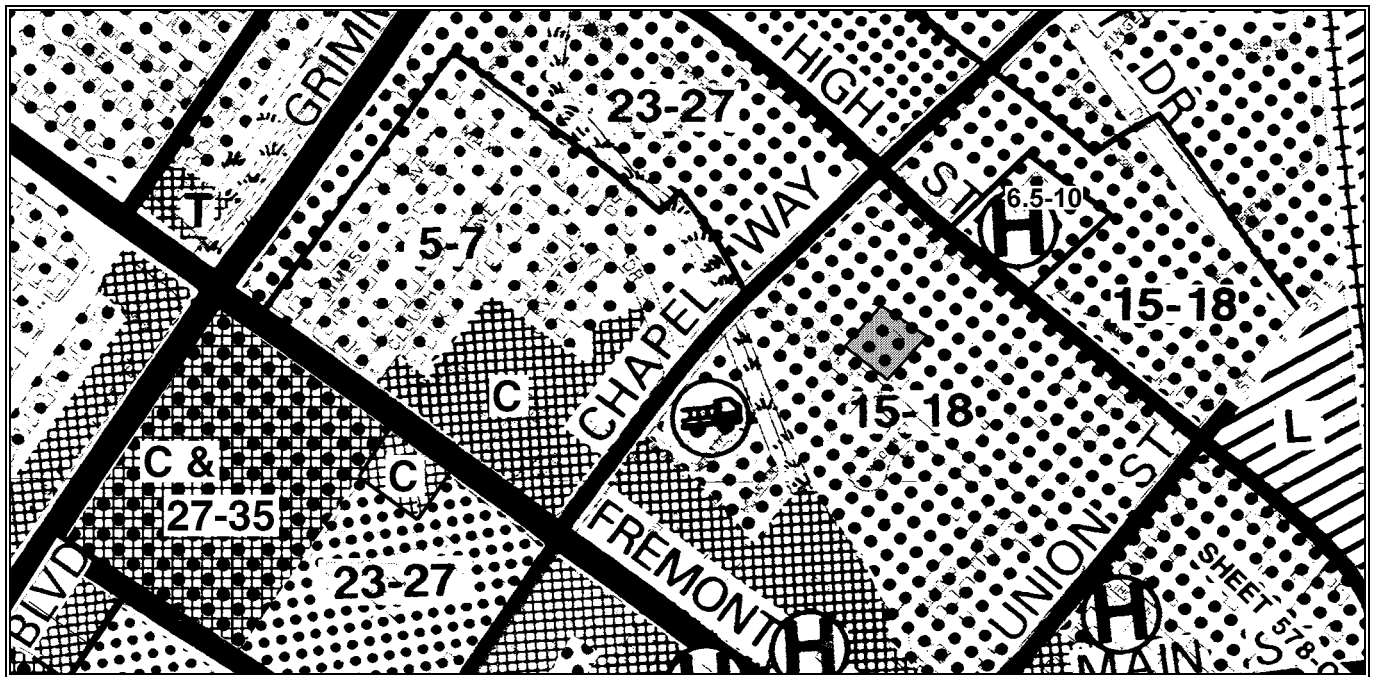


EXHIBIT "A"

Attached to and made a part of

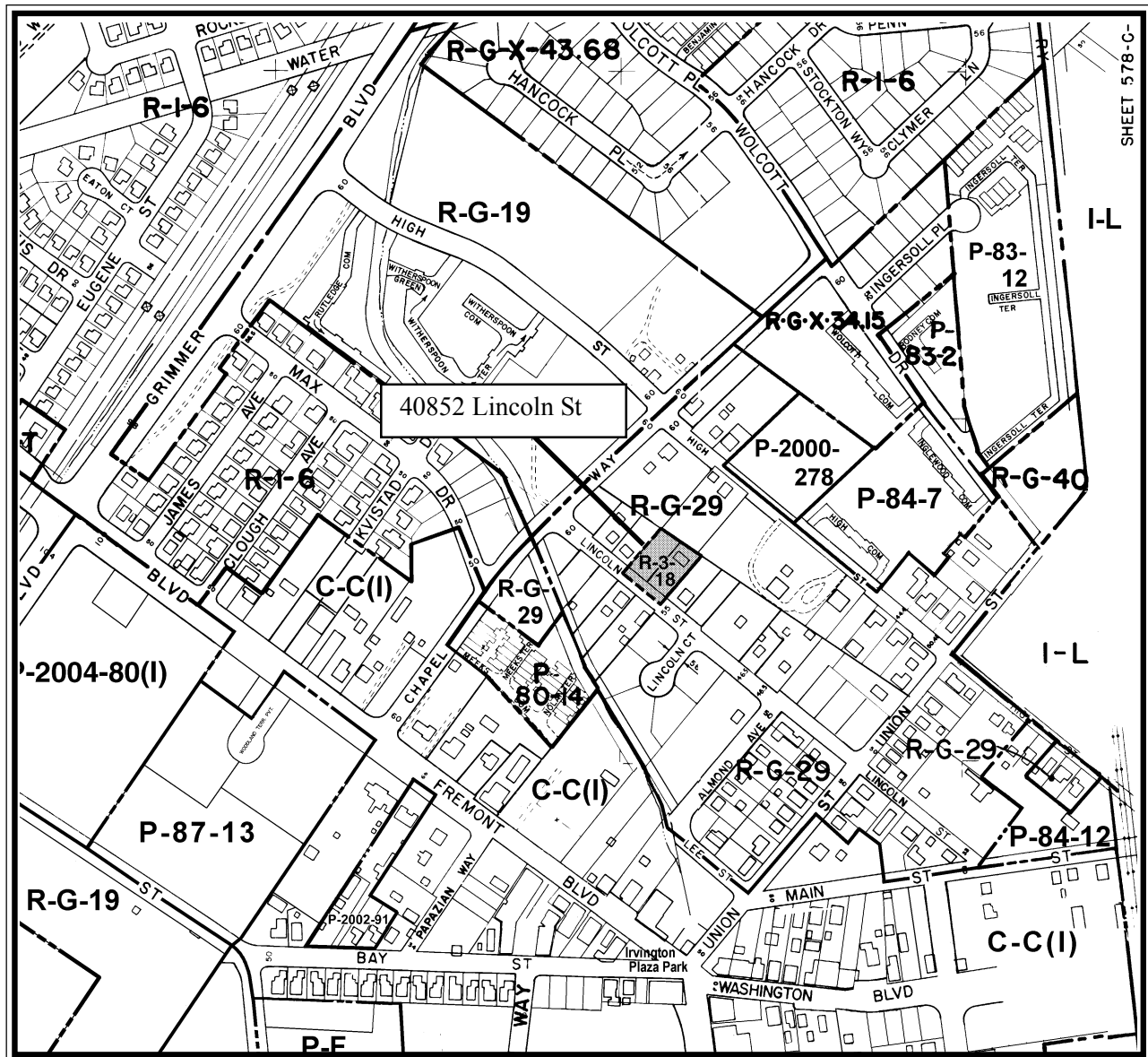
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20**04**.**

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE INDUSTRIAL PLANNING AREA



From: R-G-29

To: R-3-18

Project Name: Lincoln St Housing

Project Number: PLN2004-00124 (rez)

[continued by pc on 01-22-04] 72-380

